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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

R.K., a minor, by and through his parents, T.K. and
C.K.,,

Plaintiffs,

v.

HAYWARD UNIFIED SCHOOL DISTRICT,
VALERIE BAUGH, in her individual capacity,
CALIFORNIA DEPARTMENT OF EDUCATION,
CHILDREN'S HEALTH COUNCIL a corporation
also doing business as ESTHER B. CLARK a non
public school, ALAMEDA COUNTY BEHAVIOR
HEALTH CARE SERVICES, CAROLYN
NOVESEL, in her official capacity as a Director for
Children's System of Care a division of ALAMEDA
COUNTY BEHAVIORAL SERVICES,

Defendants.

Case No.C06-7836 JSW

REQUEST FOR ORDER EXTENDING
TIME TO RESPOND TO COMPLAINT,
DECLARATION OF AMY BISSON
HOLLOWAY IN SUPPORT OF REQUEST
FOR EXTENSION OF TIME, AND
PROPOSED ORDER

Counsel for defendant, California Department of Education (CDE), hereby requests that this
Court extend the time to February 6, 2007, for defendant CDE to file responsive pleadings. This
request is based on the declaration of, Amy Bisson Holloway, and such other pleadings already on file
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with the Court that might be relevant.

Dated: January 22, 2007

Respectfully submitted,

MARSHA A. BEDWELL
General Counsel
AMY BISSON HOLLOWAY
Assistant General Counsel

By: /s/ Amy Bisson Holloway
AMY BISSON HOLLOWAY
Assistant General Counsel

Attorneys for Defendants

DECLARATION

I, Amy Bisson Holloway, hereby declare the following:

1. I am an attorney duly licensed to practice in the State of California, and admitted to practice before this Court. I am employed by the California Department of Education as the Assistant General Counsel. I am responsible for assigning cases to the various Deputy General Counsels under my supervision. This matter has been assigned to Deputy General Counsel Gabriel C. Vivas.

2. Gabriel Vivas was out of the office due to a hearing in southern California and on vacation from January 11, 2007 – January 15, 2007. On January 15, 2007, I was advised that Mr. Vivas was ill, and would not be in the office on January 16, 2007. Late in the day on January 17, 2007, I received a communication from Mr. Vivas advising me that his doctor said that he would not be able to return to work for 7-10 days.

3. The Complaint in this matter was received in the Legal Division on January 3, 2007. CDE's responsive pleading is due January 23, 2007.

4. At my request, one of the other attorney's in the office, Gregory Rousseve, reviewed the file to determine if he could complete the necessary pleading. However, due to the complicated facts in the case, and other work demands, he is not able to file a responsive pleading by January 23, 2007. Mr. Vivas is the only attorney familiar with the facts of this case. At present there is no other attorney I am

1 able to assign this matter to on short notice.

2 4. At my direction Mr. Rousseve contacted plaintiffs' counsel on January 19, 2007. It has
3 been explained to plaintiffs' counsel that Mr. Vivas is out of the office due to medical reasons.
4 Plaintiffs' counsel does not oppose a continuance until February 6, 2007, for CDE to file its responsive
5 pleading to the Complaint.

6 5. For all of the foregoing reasons, I respectfully request that this Court grant an extension
7 of time of 14 days to file the responsive pleadings of CDE in this matter, which would require these
8 filings no later than Tuesday, February 6, 2007.

9 I declare that the foregoing is true and correct under penalty of perjury of the laws of the State
10 of California, and this declaration is executed at Sacramento, California on January 22, 2007.

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12 /s/ Amy Bisson Holloway
13 AMY BISSON HOLLOWAY

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15 **ORDER**

16 It is hereby ordered that counsel for defendant California Department of Education be granted
17 an extension of time to February 6, 2007, to file the responsive pleadings in this matter.

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20 DATED: February 1, 2007

21 By:


22 JEFFREY S. WHITE
23 U.S. District Judge
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